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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,683	10/11/2001	Andrew A. Dahl	DAW-119	1178

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EXAMINER	
LEWIS, DAVID LEE	

ART UNIT	PAPER NUMBER
2673	6

DATE MAILED: 01/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/976,683	DAHL, ANDREW A.	
	Examiner	Art Unit	
	David L Lewis	2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 October 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Claim Rejections - 35 U.S.C. § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 1, 2, 4-7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (6543684).**

3. **As in claim 1, White et al. teaches** of the combination of a display with an interactive terminal comprising: a large area electronic display able to exhibit large scale images viewable at substantial distances by passers by, **figure 4 items 76 and 78**, said display mounted on a base, **figure 4 item 44**, said feature inherent to the kiosk type device, an interactive terminal computer having at least one peripheral device enabling interactive access to store data in said interactive terminal computer, **figure 1 item 36, 42, 46, 54**; such display connected to said computer which generates signals normally producing a display image occupying the complete area of said electronic display in one mode, and alternatively in another mode, generating display images confined to a lower section of said electronic display, **column 7 lines 42-55, column 8 lines 17-28**; said interactive terminal computer having at least one peripheral connected thereto enabling interactive use by reference to said display image confined to said lower section of said electronic

display, **figure 4 items 84 and 86. However White is silent** at to said images being poster sized on the order of 42 inches or larger. This limitation however would have been an obvious design choice available to the skilled artisan given the fact that White generally teaches of a large display which can be used for the purposes of advertising. Any reasonability large display obviously fails within the teaching a poster sized display as claimed.

4. **As in claim 2, White et al. teaches** of further including a pair of screen panels, each mounted on a respective side of said lower section of said electronic display, figure 5 item 87 and 88. **As in claim 4, White et al. teaches** of wherein said electronic display is capable of a touch screen function, to at least partially enable control of said interactive terminal computer, column 5 lines 1-10, figure 1 item 60. **As in claim 5, White et al. teaches** of further including a keyboard for control of said interactive terminal computer, figure 4 item 86. **As in claim 6, White et al. teaches** of further including an Internet connection to said interactive terminal computer, figure 1 item 62. **As in claim 7, White et al. teaches** of wherein video signals for exhibiting said one mode display images on said complete area of said electronic display are loadable into said computer via said Internet connection, column 8 lines 3-28, wherein Internet advertising is displayed. **As in claim 9, White et al. teaches** of wherein said electronic display is switched from said one mode to said other mode upon initial use of an interactive terminal computer peripheral device, column 7 line 42-67, column 8 lines 1-3, wherein advertising promotion are shown in the non customer use mode.

5. **Claims 8, 10, 11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (6543684) and Rantze (6536658).**

6. **As in claims 8 and 10, White is silent as to** including a motion proximity detector generating a signal upon approach of a passer by to a predetermined closeness, said computer responsive thereto to modify a display image normally exhibited by said electronic display, wherein said normal display is resumed upon retreat of any passerby away from said kiosk, and further including the step of changing said display image in response to the approach of a passerby to the vicinity of said interactive terminal computer. **Rantze teaches of** a device such a the kiosk suggested by White, wherein the device includes a motion proximity detector generating a signal upon approach of a passer by to a predetermined closeness, said computer responsive thereto to modify a display image normally exhibited by said electronic display, wherein said normal display is resumed upon retreat of any passerby away from said kiosk, and further including the step of changing said display image in response to the approach of a passerby to the vicinity of said interactive terminal computer, column 2 lines 49-64, column 7 lines 28-50. The device of Rantze switches between various mode of operatation based on this sensed motion, **wherein said limiation "to switch between said modes of display" is well within the teaching suggested by Rantze. Therefore it would have been obvious** to the skilled artisan in view of Rantze to modify the kiosk as taught by White by including a mode changing motion detector as taught by Rantze for the purpose of

changing display modes as taught by Rantze and White, to implement the customer use and non use modes including advertising features, as suggested by both Rantze and White, as found in claims 8, 10, and 14.

7. **As in claim 11, White in view of Rantze teaches of the invention as applied above to claim 8, covering the limitations of amended claim 11, for the same reasons of obviousness as applied to claim 8. As in claim 11, White et al. teaches** of method of using an electronic display both as an electronic billboard and as a display for an interactive terminal, **figure 4, column 8 lines 3-27**, comprising the step of exhibiting a large scale image on a large area electronic display, **figure 4 items 76 and 78**; coupling an interactive terminal computer to said electronic display, **figure 4 items 84 and 86**; and switching to a reduced area display exhibited by a portion of the area of said electronic display comprising displays generated by interactive terminal computer, **column 7 lines 42-55**. Wherein the display device is adapted to show various screens based on the display mode, such as customer usage mode or advertising mode or program video mode. The device of Rantze switches between various mode of operatation based on this sensed motion, **wherein said limiation "to switch between said modes of display" is well within the teaching suggested by Rantze. Therefore it would have been obvious** to the skilled artisan in view of Rantze to modify the kiosk as taught by White by including a mode changing motion detector as taught by Rantze for the purpose of changing display modes as taught by Rantze and White, to implement the customer use and non use modes including advertising features, as suggested by both Rantze and White, as found in claim

11. **As in claim 13, White et al. teaches** of further including the step of periodically changing said display image from video data transmitted via an Internet connection, column 8 lines 1-28.

8. **Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (6543684) in view of Rantz (6536658) and Byker et al. (6239898).**

9. **As in claim 3 and 12, White et al. and White in view of Rantze fails to teaches of** wherein said screen panels are electronically changeable from a transparent to an opaque state, said panels electronically controlled by said computer to be opaque during use of said interactive terminal computer, or further including the step of activating chromogenic privacy panels arranged to create a privacy space adjacent said portion of said electronic display. **Byker et al. teaches** of screen panels electronically changeable from a transparent to an opaque state, column 1 lines 4-18, column 2 lines 19-22, for the purpose of providing privacy panels as suggested by White et al., column 11 lines 63-67, figure 5 items 87 and 88. **It would have been obvious to the skilled artisan** at the time of the invention to combine replace the privacy panel of White with the privacy panel of Byker because they solve the same problem of privacy in connection to display systems, and White suggests the need for privacy shield that is preferably made of semi-opaque material and allows an amount of light there through to enable the user to see the video keypad but not allow a third party a distance therefrom to see the video keypad. This problem solved by the privacy panel of White is also solved by Byker's privacy panel,

and therefore would have been obvious to use as an alternative enhancement in the system of White.

Response to Arguements

10. Applicant's arguments filed 10/6/2003 have been fully considered but they are not persuasive. The device of Rantze switches between various mode of operation based on this sensed motion, wherein said limitation "to switch between said modes of display" is well within the teaching suggested by Rantze. White is silent at to said images being poster sized on the order of 42 inches or larger. This limitation however would have been an obvious design choice available to the skilled artisan given the fact that White generally teaches of a large display which can be used for the purposes of advertising. Any reasonability large display obviously fails within the teaching a poster sized display as claimed. Rejection maintained.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed

within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **David L. Lewis** whose telephone number is **(703) 306-3026**. The examiner can normally be reached on MT and THF from 8 to 5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala, can be reached on (703) 305-4938. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
Washington, D.C. 20231
or faxed to:
(703) 872-9314 (for Technology Center 2600 only)
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

BIPIN SHALWALA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600